

Remarks

The Applicants have carefully considered the official action dated November 24, 2009. In the official action, claims 44-47 were rejected under 35 U.S.C. § 102(b) as anticipated by Takahashi (U.S. 2002/0041757). Claims 1, 3-5, 10-21, 23-25, 28-38, 40, 42, 54 and 56 were rejected under 35 U.S.C. § 103(a) as unpatentable over Metcalfe (AU 7432168) in view of Takahashi. Claims 2, 7, and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Metcalfe in view of Takahashi and further in view of Matsumoto (U.S. 6,795,642). Claims 51-53 were rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa (U.S. 2002/0118285) in view of Hayashi (U.S. 2002/0031349). By this response, claims 1-5, 7, 11-25, 28-38, 40, 42, 44, 46-47, 51 and 54 have been amended, and claims 10 and 52-53 have been canceled. In view of the foregoing amendments and the following remarks, the Applicants traverse the rejections and submit that all claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested.

Telephonic Interview

The Applicants thank the Examiner for his time and assistance in talking with the Applicants' representative, Christopher George, on January 19, 2010. During the interview, differences in the claimed apparatus, systems and methods and the Metcalfe, Takahashi, Misawa, and Havashi references were discussed. In light of the interview, the foregoing amendments and the following remarks are provided.

Art Rejections

Claims 1-5, 7, 10-25, 28-38, 40, 42, 44-47, 51-54, and 56 have been rejected over one or more of Takahashi, Metcalfe, Matsumoto, Misawa, and Hayashi. Applicants respectfully traverse these rejections.

For example, independent claim 1 recites an apparatus that includes, inter alia, a first user operable control to receive an input from a user and to generate, in response to the input from the user, **a saliency signal to indicate user interest in a picture**. The apparatus also includes a

circuit to record the value of the saliency signal contemporaneously with activation of the first user operable control, wherein at least one operation of the camera apparatus is controlled based on the saliency signal, the operation in response to the saliency signal being different from recording the saliency signal in a memory. None of the cited references recites generating a saliency signal both to indicate user interest in a picture and to control at least one operation of the apparatus apart from recording the value of the saliency signal in the memory as recited in claim 1. As a result, claim 1 and all claims depending therefrom should be allowed.

Independent claim 21 recites an apparatus that includes, inter alia, a first user operable control to receive an input from a user and to generate, in response to the input from the user, **a saliency signal to indicate user interest in a picture**. The apparatus also includes a circuit to record the saliency signal when the picture is taken, wherein at least one operation of the apparatus to process the image signal is controlled in response to the saliency signal, the at least one operation in response to the saliency signal being different from recording the value of the saliency signal in a memory. None of the cited references recites generating a saliency signal both to indicate user interest in a picture and to control at least one operation of the apparatus to process the image signal as recited in claim 21. As a result, claim 21 and all claims depending therefrom should be allowed.

Independent claim 40 recites an imaging system including, inter alia, **at least two** physically or mechanically operable user controls, each of the user controls being arranged to receive a respective input from a user and to generate first and second saliency signals, respectively, while the image signal is being produced, and saliency circuitry **to combine the first and second saliency signals to form a complex saliency signal**. None of the cited references recites two or more user controls to receive user input to generate first and second saliency signals and combining those saliency signals to form a complex saliency signal. As a result, claim 40 and all claims depending therefrom should be allowed.

Independent claim 44 recites an imaging system including, inter alia, a physically or mechanically operable user control to receive an input from a user and to generate a first saliency signal while the image signal is being produced, saliency circuitry to automatically generate an

image related second saliency signal in response to the image signal, and circuitry to combine the first and second saliency signals while the image signal is being produced to provide a composite saliency signal. None of the cited references recites a combination of 1) a user control to receive user input to generate a first saliency signal and 2) a saliency circuit to automatically generate an image related second saliency signal, wherein the first and second saliency signals are combined to provide a composite saliency signal. As a result, claim 44 and all claims depending therefrom should be allowed.

Independent claim 51 recites an apparatus that includes, inter alia, a user operable control to generate a saliency signal when a picture taking control activates a camera, and a buffer having a capacity to store input picture signals determined in response to the saliency signal, wherein the capacity of the buffer is to adaptively change in response to a change in the value of the saliency signal. None of the cited references recites an apparatus including a buffer having a capacity that is to adaptively change in response to a change in the value of the saliency signal. As a result, claim 51 and all claims depending therefrom should be allowed.

Independent claim 54 recites an apparatus including, inter alia, a user operable control to generate a non-playback saliency signal, and picture selection circuitry to selectively pass the image to the memory in response to the saliency signal, the memory to retain or discard the image based on a value of the saliency signal. None of the cited references recites an apparatus including a picture selection circuitry controlled by a saliency signal and a memory to retain or discard images based on the saliency signal. As a result, claim 54 and all claims depending therefrom should be allowed.

It is respectfully submitted that all pending claims are in condition for allowance, and reconsideration is respectfully requested. The Office is respectfully requested to pass this application to allowance as no combination of the art cited in the Office action teaches or suggests the combinations claimed in the pending claims.

Conclusion

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

In general, the Office action makes various statements regarding the pending claims that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Commissioner is hereby authorized to charge any deficiency in the amount submitted or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-2025. Please refund any overpayment to Deposit Account No. 08-2025.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

Please direct correspondence related to this application to the address associated with USPTO Customer No. 022879.

Respectfully Submitted,

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